



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Montelaro et al.

Serial No.: 10/627,568

Filed: July 24, 2003

For: EIAV VACCINE AND DIAGNOSTIC

Confirmation No.: 3285

Examiner: B. Li

Group Art Unit: 1648

Attorney Docket No.: 1963.01-7381US

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Commissioner for Patents
P.O. Box 1450
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DECLARATION OF DR. RONALD MONTELARO

1. I hereby declare that all statements made herein of my knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 17 U.S.C. §1001 and that such willful false statements may jeopardize the validity of the captioned application or any patent issued thereon.
2. My name is Dr. Ronald Montelaro. I am a named inventor of USSN 10/627,568 (hereinafter referred to as the '568 application), entitled EIAV Vaccine and Diagnostic.

3. I have been informed and believe that the claims of '086 application have been rejected as being anticipated by Li *et al.* (J. Virol. 1998, Vol. 72, No.10, pp. 8344-8348 (hereinafter refereed to as the Li(A) article). I have been further informed and believe that the claims of '086 application have been rejected as being anticipated by Li *et al.* (J. Virol. 2000, Vol. 74, No.1, pp. 573-579 (hereinafter refereed to as the Li(B) article).
4. All of the authors of the Li(A) article were participants in the described research project in my laboratory for which I was the principal investigator providing direction and supervision for all project activities. The authors of the Li(A) article are Feng Li, Bridget A. Puffer, and me, Ronald Montelaro.
5. I declare that Feng Li, Bridget A. Puffer worked under my direction and supervision. As can be seen, my name appears last on the publication, as I was in charge of the research from which the article originated. The publication was a publication of various aspects of my invention.
6. I have been informed and believe that Feng Li, Bridget A. Puffer are not inventors or originators of the subject matter of the Li(A) article as they only worked under my direction specifically doing what I instructed.
7. All of the authors of the Li(B) article were participants in the described research project in my laboratory for which I was the principal investigator providing direction and supervision for all project activities. The authors of the Li(B) article are Feng Li,

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Caroline Leroux, Jodi K. Craig (hereinafter collectively referred to as the "others"), Charles J. Issel, and me, Ronald Montelaro.

8. I declare that the "others" alleged by the Examiner worked under my direction and supervision. As can be seen, my name appears last on the publication, as I was in charge of the research from which the article originated. The publication was a publication of various aspects of my invention.
9. I have been informed and believe that the "others" are not inventors or originators of the subject matter of the Li(B) article as they only worked under my direction specifically doing what I instructed.

Ronald Montelaro
Dr. Ronald Montelaro

10/27/05
Date